



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with an application by the tenant seeking to have a One Month Notice to End Tenancy for Cause set aside. The tenant participated in the conference call hearing but the landlords(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on November 7, 2013. I found that the landlords had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

### Issues to be Decided

Is the tenant entitled to have the notice set aside?

### Background and Evidence

The tenancy agent for the tenant was fully instructed and submitted the following:

The landlord issued a One Month Notice to End Tenancy for Cause on October 31, 2013 with an effective date of November 30, 2013. The landlord issued the notice on the basis that the "tenant seriously jeopardized the health or safety or lawful right of another occupant or the landlord ". The agent stated that the landlord has not provided any further information to support their position and that they have cut all communication off with the tenant since issuing the notice.

### Analysis

When a landlord issues a notice under Section 47 of the Act to end a tenancy, they must provide sufficient evidence to support the basis of issuing that notice. In the matter before me the landlord has not provided any documentary evidence for consideration and has chosen not to participate in this hearing. Based on the above I find that the One Month Notice to End Tenancy for Cause dated October 31, 2013 with an effective date of November 30, 2013 is of no effect or force. The notice is set aside. The tenancy continues.

The tenant has been successful in their application.

### Conclusion

The One Month Notice to End Tenancy for Cause dated October 31, 2013 with an effective date of November 30, 2013 is of no effect or force. The notice is set aside. The tenancy continues.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: December 17, 2013

---

Residential Tenancy Branch

